

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LOUIS WRIGHT, #M-36511**

**Plaintiff,**

**VS.**

**VIENNA CORRECTIONAL CENTER,**

**Defendant.**

**CIVIL NO. 13-cv-0752-MJR**

# MEMORANDUM AND ORDER

**REAGAN, District Judge:**

Plaintiff Louis Wright filed a complaint pursuant to 28 U.S.C. § 1983 on July 26, 2013 (Doc. 1). On the same date, Plaintiff was ordered to pay the full filing fee of \$400.00 for this action or file a motion for leave to proceed *in forma pauperis* (“IFP”) within thirty days (Doc. 2). Plaintiff was clearly warned that failure to pay the full filing fee or to file an IFP motion before August 26, 2013, would result in dismissal of this case (*Id.*). The date to pay the full filing fee or to file an IFP motion has passed. Plaintiff has failed to take any action.

As a result, this action is **DISMISSED** without prejudice for failure to prosecute this action. FED. R. CIV. P. 41(b). *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall **NOT** count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, so the filing fee of

\$400.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk's Office is **DIRECTED** to close this case.

**IT IS SO ORDERED.**

**DATED: September 3, 2013**

s/ MICHAEL J. REAGAN  
United States District Judge